

for the

Eastern District of New York

SELMAN MARKE.

Plaintiff(s)

Y.

**BORGATA HOTEL CASINO & SPA, MGM  
RESORTS INTERNATIONAL, BOYD GAMING  
CORPORATION and MARINA DISTRICT  
DEVELOPMENT COMPANY LLC.**

Defendant(s)

Civil Action No.

## SUMMONS IN A CIVIL ACTION

To: BORGATA HOTEL CASINO & SPA, 1 Borgata Way, Atlantic City, NJ 08401  
MGM RESORTS INTERNATIONAL, 3600 Las Vegas Boulevard S., Las Vegas, NV 89109  
BOYD GAMING CORPORATION, 3883 Howard Hughes Parkway, 9th Floor, Las Vegas, NV 89169  
MARINA DISTRICT DEVELOPMENT COMPANY LLC, 1 Borgata Way, Atlantic City, NJ 08401

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER  
CLERK OF COURT

Date: \_\_\_\_\_

*Signature of Clerk or Deputy Clerk*

MICHAEL B. PALILLO, P.C.  
Attorney for Plaintiff  
277 Broadway, Suite 501  
New York, NY 10007  
(212) 608-8959  
(212) 608-0304  
palillolaw@aol.com

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

SELMAN MARKE,

Civil Action No.

Plaintiff,

**VERIFIED COMPLAINT**

-against-

JURY TRIAL DEMANDED

BORGATA HOTEL CASINO & SPA,  
MGM RESORTS INTERNATIONAL,  
BOYD GAMING CORPORATION and  
MARINA DISTRICT DEVELOPMENT  
COMPANY LLC.

Defendants.

- - - - -X

S I R S:

Plaintiff, SELMAN MARKE, complaining of the  
Defendants, by and through his attorney, MICHAEL B. PALILLO,  
ESQ., alleges upon information and belief as follows:

**JURISDICTION AND VENUE**

This Court has jurisdiction over the subject matter of  
this action pursuant to 28 U.S. Code 1332 as the amount in  
controversy exceeds the sum of \$100,000.00 and the parties are  
residents of different States.

Venue is proper in the Eastern District of New York as the Plaintiff is a resident of Kings County New York.

**PARTIES AND FACTS**

1. At all time hereinafter mentioned, Plaintiff was and still is a resident of the County of Kings, City and State of New York.

2. At all dates and times hereinafter mentioned, the Defendant, BORGATA HOTEL CASINO & SPA, hereinafter known as "BORGATA" was and still is a foreign corporation, company, business created, organized and existing under and by virtue of the laws of the State of New Jersey.

3. At all dates and times hereinafter mentioned the Defendant "BORGATA" maintained a place of business at 1 Borgata Way, Atlantic City, New Jersey.

4. At all dates and times hereinafter mentioned, the Defendant, MGM RESORTS INTERNATIONAL, hereinafter referred to as "MGM", was and still is a foreign corporation, company, business created, organized and existing under and by virtue of the laws of the State of Nevada with an address located at 3600 Las Vegas Boulevard S., Las Vegas NV.



5. Upon information and belief, all dates and times hereinafter mentioned the Defendant "MGM" conducted business in the State of New Jersey.

6. At all dates and times hereinafter mentioned, the Defendant, BOYD GAMING CORPORATION , hereinafter known as "BOYD" was and still is a foreign corporation, company, business created, organized and existing under and by virtue of the laws of the State of Nevada, with offices located at 3883 Howard Hughes Parkway, 9<sup>th</sup> Floor, Las Vegas NV.

7. Upon information and belief, all dates and times hereinafter mentioned, the Defendant "BOYD" conducted business in the State of New Jersey.

8. At all dates and times hereinafter mentioned, the Defendant, MARINA DISTRICT DEVELOPMENT COMPANY LLC. hereinafter known as "MARINA" was and still is a foreign corporation, company, business created, organized and existing under and by virtue of the laws of the State of New Jersey.

9. Upon information and belief, all dates and times hereinafter mentioned, the Defendant "MARINA" conducted business in the State of New Jersey at 1 Borgata Way, Atlantic City, New Jersey.

10. At all dates and times hereinafter mentioned the Defendants owned the premises known as 1 Borgata Way, Atlantic City, NJ 08401

11. At all dates and times herein mentioned, the Defendants maintained the premises known as 1 Borgata Way, Atlantic City, NJ 08401.

12. At all dates and times herein mentioned, the Defendants operated the premises known as 1 Borgata Way, Atlantic City, NJ 08401.

13. At all dates and times herein mentioned, the Defendants managed the premises known as 1 Borgata Way, Atlantic City, NJ 08401.

14. At all dates and times herein mentioned, the Defendant controlled the premises known as 1 Borgata Way, Atlantic City, NJ 08401.

15. That, at all dates and times herein mentioned, the Defendants were a under a duty to keep and maintain the premises known as 1 Borgata Way, Atlantic City, NJ in a reasonably safe condition for all persons lawfully thereat, including the Plaintiff.

16. That all dates and times hereinafter mentioned the Plaintiff was lawfully inside the premises known as 1 Borgata Way, Atlantic City, NJ.

17. That on January 27, 2013 at approximately 3:12 a.m., the Plaintiff, while in the men's bathroom located on the downstairs lower level near the "horse room", he was caused to slip and fall and sustain injuries due to a condition dangerous and defective, to wit: a wet, watery, liquid laden condition.

18. That this occurrence took place by reason of the negligence, carelessness and recklessness of the Defendants in the ownership, operation, maintenance, management and control of the aforementioned premises, without any negligence on the part of the Plaintiff contributing thereto.

**PRAYER FOR RELIEF**

19. That solely by reason of the foregoing the Plaintiff has suffered injury and damage in a sum which exceeds the jurisdictional limitations of this Court.

**JURY DEMANDED**

Plaintiff demands a trial by jury of all issues of fact and damages.

Dated: New York, New York  
December 10, 2014



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MICHAEL B. PALILLO, ESQ.



**CERTIFICATION**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

I, the undersigned, being duly sworn, depose and say:  
I am the attorney for the Plaintiff in the within action; I  
have read the foregoing **Summons and Complaint** and know the  
contents thereof; and the same is true to my own knowledge,  
except as to the matters therein stated to be alleged upon  
information and belief, and as to those matters I believe it to  
be true.

I make this certification based on the fact that the  
Plaintiff does not reside in the County wherein I maintain my  
office for the practice of law.

I swear to the truth of the foregoing under penalties  
of perjury.

Sworn to before me this

12 day of December, 2014

  
Michael B. Palillo, Esq.

  
NOTARY PUBLIC

MARC S. HYMAN  
Notary Public, State of New York  
No. 02HY5083661  
Qualified in New York County  
Commission Expires Sept. 30, 2018



Civil Action No.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SELMAN MARKE,

Plaintiff,

-against-

BORGATA HOTEL CASINO & SPA,  
MGM RESORTS INTERNATIONAL,  
BOYD GAMING CORPORATION and  
MARINA DISTRICT DEVELOPMENT COMPANY LLC,

Defendants.

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**SUMMONS & VERIFIED COMPLAINT**

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**Michael B. Palillo P.C.**

*Attorneys for Plaintiff(s)*

*Office and Post Office Address:*

**277 Broadway, Suite 501**

**New York, NY 10007**

**(212) 608-8959**

**(212) 608-0304 Fax (Not for Service)**

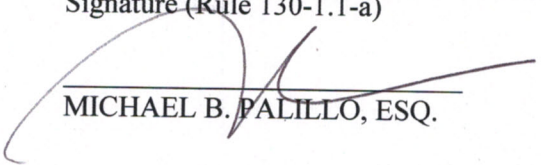
**Palillolaw@AOL.COM**

**(Not for Service)**

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Signature (Rule 130-1.1-a)

  
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MICHAEL B. PALILLO, ESQ.